

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

WILLIE L. CARTER, #B-06938,

Plaintiff,

vs.

**DANIEL R. HECHT and
DAVID CHILDERS,**

Defendants.

No. 02-CV-1015-DRH

ORDER

Herndon, District Judge:

On August 22, 2005, Plaintiff Willie Carter ("Plaintiff") filed a motion pursuant to **Federal Rule of Civil Procedure 12(f)** to strike denials in Defendants' answers. (Doc. 36). Specifically, Plaintiff argues that Defendants' denials should be stricken because he has "nothing of record" to substantiate his allegations of deliberate indifference. (*Id.*) This matter comes before the Court on a Report and Recommendation ("the Report") filed by United States Magistrate Judge Philip M. Frazier on October 17, 2005. (Doc. 54.) Magistrate Judge Frazier's Report recommends that Defendant's motion be denied.

Under **Rule 73.1 of the Local Rules of the Southern District of Illinois**, the parties had ten days in which to serve and file written objections to the Report. As of this date, no objections have been filed. The period in which to file objections has expired. Therefore, pursuant to **28 U.S.C. § 636(b)**, this Court need

not conduct *de novo* review. ***Thomas v. Arn*, 474 U.S. 140, 149-52 (1985).**

Accordingly, the Court **ADOPTS** the Report. (Doc. 54.) The Court **DENIES** Plaintiff's motion. (Doc. 36.)

IT IS SO ORDERED.

Signed this 16th day of November, 2005.

/s/ David RHerndon
United States District Judge